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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/663,015
Filing Date: September 15, 2003
Appellant(s): STECYK, POLLY

Mark J. Shean
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 03/22/2011 appealing from the Office action mailed 05/24/2010.

(1) Real Party in Interest

The examiner has no comment on the statement, or lack of statement, identifying by name the real party in interest in the brief.

(2) Related Appeals and Interferences

The following are the related appeals, interferences, and judicial proceedings known to the examiner which may be related to, directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal:

Application 10/663,016.

(3) Status of Claims

The following is a list of claims that are rejected and pending in the application:
1-14, 16, 18-30 and 33-35.

(4) Status of Amendments After Final

The examiner has no comment on the appellant's statement of the status of amendments after final rejection contained in the brief.

(5) Summary of Claimed Subject Matter

The examiner has no comment on the summary of claimed subject matter contained in the brief.

(6) Grounds of Rejection to be Reviewed on Appeal

The examiner has no comment on the appellant's statement of the grounds of rejection to be reviewed on appeal. Every ground of rejection set forth in the Office action from which the appeal is taken (as modified by any advisory actions) is being maintained by the examiner except for the grounds of rejection (if any) listed under the subheading "WITHDRAWN REJECTIONS." New grounds of rejection (if any) are provided under the subheading "NEW GROUNDS OF REJECTION."

(7) Claims Appendix

The examiner has no comment on the copy of the appealed claims contained in the Appendix to the appellant's brief.

(8) Evidence Relied Upon

7,134,130	Thomas	11-2006
2004/0078806	Johnson et al.	04-2004
2009/0282428	Rodriguez	11-2009
KR 10-2000-0033070	Gang-Sik Yoon	06-2000

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 – 3, 6 – 14, 16, 18 – 30, 33, 34 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thomas (Patent No 7,134,130) in view of Johnson et al. (Pub No US 2004/0078806) further in view of Rodriguez (Pub No US 2009/0282428). Hereinafter referenced as Thomas, Johnson and Rodriguez, respectively.

Regarding **claim 1**, Thomas discloses a method of supervising personal exposure to a consumer electronics device, the method comprising:
receiving a program signal suitable for conversion by the consumer electronics device into user discernible information (video and audio signals that are received from a broadcast station, column 7 lines 19-21);

receiving one or more viewer indicators indicative of one or more viewers present in a viewing area corresponding to the consumer electronics device (a room scanner (200) that scans the room for users and output signal (211) to indicate the presence of a viewer, column 6 lines 52-53 also exhibited on fig 3);

comparing the one or more viewer indicator with a plurality of viewer specifications to identify one or more viewing profiles associated with the one or more viewers present in the viewing area (viewing criteria (216) that specifies the material that each user has access to, column 9 lines 57-59 also exhibited on fig 2; a user recognition input device (208) that determines which users are present in a given area having access to the display (224), column 9 lines 51-53 also exhibited on fig 2; a memory (220) containing information that identifies a video content type being displayed on the display (224) and containing information about which users are to be permitted access to that content type, column 9 lines 54-57);

receiving timing information indicative of a reference time (real time clock (142) which times all the operations in the device, column 5 lines 39-40 exhibited on fig 1);

receiving content-based specifications corresponding to the one or more viewing profiles associated with the one or more viewers present in the viewing area (Col. 2 lines 4-32 also exhibited on fig 2 and 3);

receiving a content-based indicator indicative of the content of the user discernible information (the broadcasted program includes a viewer rating, which indicates whether a user has access to it or not based on such information, column 8 lines 4-15);

comparing the content-based indicator with content-based specifications corresponding to each of the one or more viewing profiles associated with the one or more viewers present in the viewing area (a processor that compares a user identity

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value from the input device to the memory content specifying which users are to be permitted to access a determined content, column 2 lines 12-18);

and generating a control signal based on the comparison between content-based indicator and content-based specifications (a control signal (215) sent from the decision and command processor (214) to the display controller (222) indicating whether a user has been allowed access to a content or not, column 6 lines 57-63 exhibited on fig 2).

However, it is noted that Thomas fails to explicitly disclose selecting a time range specification corresponding to the timing information; viewing profiles associated with selected time range specifications, wherein the one or more viewing profiles include a plurality of time range specifications; and comparing the content-based indicator with content-based specifications corresponding to each of the one or more viewing profiles associated with the one or more viewers and corresponding to the selected time range specifications.

Nevertheless, in a similar field of endeavor Johnson discloses selecting a time range specification corresponding to the timing information (Paragraph [0029] [0082] figure 6; weekday time ranges and weekend time ranges specific to a user);

viewing profiles associated with selected time range specifications, wherein the one or more viewing profiles include a plurality of time range specifications (Paragraph [0016] [0029] and [0082] also exhibited on fig 5 and 6);

comparing the content-based indicator with content-based specifications corresponding to each of the one or more viewing profiles associated with the one or more viewers and corresponding to the selected time range specifications (Paragraph

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[0016] [0029] and [0082] also exhibited on fig 5 and 6; content is blocked or allowed based on the viewer's profile, which includes the times at which the viewer is allow to watch content and the type of content rating the viewer is allow to watch).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Thomas by specifically providing the elements mentioned above, as taught by Johnson, for the purpose of implementing a reliable and accurate parenting control scheme which allows children to watch safer and more appropriate content.

However, it is noted that Thomas and Johnson fail to explicitly disclose that the time range specifications each corresponds individually to a separate content-based specification.

Nevertheless, in a similar field of endeavor Rodriguez discloses that the time range specifications each corresponds individually to a separate content-based specification (Paragraphs [0124] [0116] figure 29C; blocking content based on content based parameters 2904 independently specific to each time range 2902).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Thomas and Johnson by specifically providing the elements mentioned above, as taught by Rodriguez for the purpose of allowing a parent to configure a content receiver to show a type of content rating while children are awake and showing a different type of content rating while children are asleep.

Regarding **claim 2**, Thomas, Johnson and Rodriguez disclose the consumer electronics device of claim 1; moreover, Thomas discloses the steps of scanning the viewing area for the presence of viewers; and generating a viewer indicator (a room scanner (200) that scans the room for users and outputting signal (211) to indicate the presence of a viewer, column 6 lines 52-53 also exhibited on fig 3).

Regarding **claim 3**, Thomas, Johnson and Rodriguez disclose the consumer electronics device of claim 2; moreover, Thomas discloses the step of comparing scanned images of a viewer with stored images of selected individuals (a viewing criteria (216) which included a predetermined set of stored image parameters, which are transferred to image recognition device (212) through signal (218), where the stored image is compared to the current viewer, column 7 lines 56-64 also exhibited on fig 2).

Regarding **claim 6**, Thomas, Johnson and Rodriguez disclose the consumer electronics device of claim 1; moreover, Thomas discloses the steps of: receiving viewer specifications (viewing criteria (216) that specifies the material that each user has access to, column 9 lines 57-59 also exhibited on fig 2);

selecting one or more viewer specification corresponding to the one or more received viewer indicator (a user recognition input device (208) that determines which users are present in a given area having access to the display (224), column 9 lines 51-53 also exhibited on fig 2);

and receiving content-based specifications corresponding to the selected one or more viewer specification (a memory (220) containing information that identifies a video content type being displayed on the display (224) and containing information about which users are to be permitted access to such content type, column 9 lines 54-57).

Regarding **claim 7**, Thomas, Johnson and Rodriguez disclose the consumer electronics device of claim 1; moreover, Thomas discloses the step of extracting the content-based indicator from the program signal (program content (220) provides a content indication signal (219) indicative of the type of content in the program material, col. 6 lines 62-65).

Regarding **claim 8**, Thomas, Johnson and Rodriguez disclose the consumer electronics device of claim 1; moreover, Thomas discloses that the content-based indicator and the content-based specification is a rating (program content provides a rating, column 8 lines 4-15).

Regarding **claim 9**, Thomas, Johnson and Rodriguez disclose the consumer electronics device of claim 8; moreover, Thomas discloses that the control signal is generated if the content-based indicator rating exceeds the content-based specification rating (signal (219) provides a content type indication for the program content and decision for processor (214) to block or skip questionable content, such as violent or sexual content, hereinafter referred as questionable content, column 8 lines 52-58).

Regarding **claim 10**, Thomas, Johnson and Rodriguez disclose the consumer electronics device of claim 1; moreover, Thomas discloses that the content-based indicator and the content-based specification is a subject matter category (a content indicator and content specification used to avoid contact of children with questionable content, from different content categories such as violent content or sexual content, column 6 lines 11-14).

Regarding **claim 11**, Thomas, Johnson and Rodriguez disclose the consumer electronics device of claim 10; moreover, Thomas discloses that the control signal is generated if the content-based indicator category matches the selected content-based category (a control signal (215) is generated from decision and command processor (214) according to the viewing criteria (216), which will block the content if there is any indication of sexual or violent content, column 6 lines 55-67 also exhibited on fig 2).

Regarding **claim 12**, Thomas, Johnson and Rodriguez disclose the consumer electronics device of claim 1; moreover, Thomas discloses that the step of impairing the program signal in response to the control signal (if anyone outside the allowed set of persons is present the image and sound will be blocked, column 6 lines 60-63 exhibited on fig 3).

Regarding **claim 13**, Thomas, Johnson and Rodriguez disclose the consumer electronics device of claim 12; moreover, Thomas discloses that the program signal is blocked in response to the control signal (if anyone outside the allowed set of persons is present the image and sound will be blocked, column 6 lines 60-63 fig 3).

Regarding **claim 14**, Thomas, Johnson and Rodriguez disclose the consumer electronics device of claim 1; moreover, Thomas discloses that the consumer electronics device is a television system and the user discernible information comprises audio/video information (the video and audio content is a television programming, which is displayed on a television display (224), column 11 lines 20-21 also exhibited on fig 2).

Regarding **claim 16**, Thomas, Johnson and Rodriguez disclose the consumer electronics device of claim 1; moreover, Thomas discloses the steps of receiving viewer specifications (Col 5 lines 54-67);

selecting one or more viewer specification corresponding to the one or more viewer indicator (viewing criteria (216) that specifies the material that each user has access to, column 9 lines 57-59 also exhibited on fig 2; based on the user's identity; col. 5 lines 64-67);

and receiving content-based specifications corresponding to the one or more selected viewer specification (A memory 220 containing information that identifies a

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video content type being displayed on the display 224 and containing information about which users are to be permitted access to such content type, column 9 lines 54-57).

However, it is noted that Thomas fails to explicitly disclose receiving content-based specifications corresponding to the selected time range specifications.

Nevertheless, in a similar field of endeavor Johnson discloses receiving content-based specifications corresponding to the selected time range specifications (Paragraph [0029] [0082] also exhibited on fig 5 and 6; weekday time ranges and weekend time ranges specific to a user).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Thomas by specifically providing the elements mentioned above, as taught by Johnson, for the purpose of implementing a reliable and accurate parenting control scheme which allows children to watch safer and more appropriate content.

Regarding **claim 18**, Thomas, Johnson and Rodriguez disclose the consumer electronics device of claim 1; moreover, Thomas discloses the step of extracting the content-based indicator from the program signal (program content (220) provides a content indication signal indicative of the type of content in the program material, column 6 lines 62-65).

However, it is noted that Thomas fails to explicitly disclose extracting the timing information from the program signal.

Nevertheless, in a similar field of endeavor Johnson discloses extracting the timing information from the program signal (Paragraph [0004]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Thomas by specifically providing the elements mentioned above, as taught by Johnson, for the purpose of implementing a reliable and accurate parenting control scheme which allows children to watch safer and more appropriate content at appropriate times.

Regarding **claim 19**, Thomas, Johnson and Rodriguez disclose the consumer electronics device of claim 1; moreover, Thomas discloses the step of generating the timing information within the consumer electronics device (real time clock (142) part of the computer system (100), which times all the processes of the device, column 5 lines 39-40 also exhibited on fig 1).

Regarding **claim 20**, Thomas, Johnson and Rodriguez disclose the consumer electronics device of claim 1; moreover, Thomas discloses the reference time indicated by the timing information is the current time (real time clock (142) part of the computer system (100), which times all the processes of the device, column 5 lines 39-40 also exhibited on fig 1; moreover, Thomas discloses it is a *real* time clock which includes current time).

Regarding **claim 21**, Thomas, Johnson and Rodriguez disclose the consumer electronics device of claim 1; moreover, Thomas discloses the steps of entering a viewer specification corresponding to a selected viewer or group of viewers (viewing criteria (216) includes predetermined parameters used to identify a user, such as facial features, height or hair color, column 7 lines 56-59);

and entering a content-based specification corresponding to the viewer specification (program content (220) provides a content indication signal (219) indicative of the type of content in the program material, where the program content (220) specifies whether a user is allowed to watch the content , column 6 lines 62-65).

Regarding **claim 22**, Thomas, Johnson and Rodriguez disclose the consumer electronics device of claim 21; moreover, Thomas discloses the step of entering a content-based specifications (blocking undesirable content over those periods of time or portions of undesirable content transmitted by the broadcast company, column 8 lines 20-30, where the blocking of such content is determined by the profile of the viewer, allowing access to content with questionable material).

However, it is noted that Thomas fails to explicitly disclose the step of entering a finite time range specification corresponding the viewer.

Nevertheless, in a similar field of endeavor Johnson discloses the step of entering a finite time range specification corresponding the viewer (Paragraph [0016] [0029] and [0082] also exhibited on fig 5 and 6; content is blocked or allowed based on

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the viewer's profile, which includes the times at which the viewer is allow to watch content and the type of content rating the viewer is allow to watch).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Thomas by specifically providing the elements mentioned above, as taught by Johnson, for the purpose of implementing a reliable and accurate parenting control scheme which allows children to watch safer and more appropriate content at appropriate times.

Regarding **claim 23**, Thomas discloses a method of supervising the exposure to a consumer electronics device, the method comprising:

receiving a program signal suitable for conversion by the consumer electronics device into user discernible information (video and audio signals that are received from a broadcast station, column 7 lines 19-21);

receiving a viewer indicator indicative of a viewer present in a viewing area corresponding to the consumer electronics device (a room scanner (200) that scans the room for users and output signal (211) to indicate the presence of a viewer, column 6 lines 52-53 also exhibited on fig 3);

receiving viewer specifications corresponding to selected viewers (viewing criteria (216) that specifies the material that each user has access to, column 9 lines 57-59 also exhibited on fig 2; a user recognition input device (208) that determines which users are present in a given area having access to the display (224), column 9 lines 51-

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53 also exhibited on fig 2; a memory (220) containing information that identifies a video content type being displayed on the display (224) and containing information about which users are to be permitted access to that content type, column 9 lines 54-57);

comparing the viewer indicator with the viewer specifications to identify a viewing profile associated with one of the selected viewers present in the viewing area (a processor that compares a user identity value from the input device to the memory content specifying which users are to be permitted to access a determined content, column 2 lines 12-18);

selecting a viewer specification corresponding to the viewer indicator; wherein the viewer specification comprises different specifications (Col. 2 lines 4-32 also exhibited on fig 2 and 3);

receiving a content-based program rating indicative of the content of the user discernible information (the broadcasted program includes a viewer rating, which indicates whether a user has access to it or not based on such information, column 8 lines 4-15);

receiving timing information indicative of a reference time (real time clock (142) which times all the operations in the device, column 5 lines 39-40 exhibited on fig 1);

receiving a content-based rating specification of the selected viewer specification (signal (219) provides a content type indication for the program content and decision for processor (214) to block or skip questionable content, such as violent or sexual content, hereinafter referred as questionable content, column 8 lines 52-58)

comparing the content-based rating with the content-based program rating (a processor that compares a user identity value from the input device to the memory content specifying which users are to be permitted to access a determined content, column 2 lines 12-18);

and impairing the program signal if the content-based program rating exceeds the content-based rating specification (the content can be impaired in order to avoid the user from watching it, column 8 lines 20-25).

However, it is noted that Thomas fails to explicitly disclose that the viewer specification comprises a plurality of time range specifications and selecting a time range specification from the two or more time range; specifications of the selected viewer specification corresponding to the reference time; and receiving a viewer specification corresponding to the selected time range specification.

Nevertheless, in a similar field of endeavor Johnson discloses that the viewer specification comprises a plurality of time range specifications and selecting a time range specification from the two or more time range (Paragraph [0029] [0082] also exhibited on fig 5 and 6; weekday time ranges and weekend time ranges specific to a user);

specifications of the selected viewer specification corresponding to the reference time; and receiving a viewer specification corresponding to the selected time range specification (Paragraph [0016] [0029] and [0082] also exhibited on fig 5 and 6; content is blocked or allowed based on the viewer's profile, which includes the times at which

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the viewer is allow to watch content and the type of content rating the viewer is allow to watch).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Thomas by specifically providing the elements mentioned above, as taught by Johnson, for the purpose of implementing a reliable and accurate parenting control scheme which allows children to watch safer and more appropriate content.

However, it is noted that Thomas and Johnson fail to explicitly disclose that each time range specification corresponding individually to a separate content-based rating specification.

Nevertheless, in a similar field of endeavor Rodriguez discloses that each time range specification corresponding individually to a separate content-based rating specification (Paragraphs [0124] [0116] figure 29C; blocking content based on content based parameters 2904 independently specific to each time range 2902).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Thomas and Johnson by specifically providing the elements mentioned above, as taught by Rodriguez for the purpose of allowing a parent to configure a content receiver to show a type of content rating while children are awake and showing a different type of content rating while children are asleep.

Regarding **claim 24**, Thomas, Johnson and Rodriguez disclose the consumer electronics device of claim 23; moreover, Thomas discloses that the program signal is impaired by scrambling the program signal (The content being impaired to the viewer can be done through signal scrambling, column 8 lines 20-25).

Regarding **claim 25**, Thomas, Johnson and Rodriguez disclose the limitations of claim 25; therefore, claim 25 is rejected for the same reasons as in claim 13.

Regarding **claim 26**, Thomas, Johnson and Rodriguez disclose the consumer electronics device of claim 23; however, it is noted that Thomas fails to explicitly disclose that the selected time range specification repeats for each day of a workweek.

Nevertheless, in a similar field of endeavor Johnson discloses that the selected time range specification repeats for each day of a workweek (Figure 6; parameters 607, viewing hours for weekdays).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Thomas by specifically providing the elements mentioned above, as taught by Johnson, for the purpose of implementing a reliable and accurate parenting control scheme which allows children to watch safer and more appropriate content.

Regarding **claim 27**, Thomas, Johnson and Rodriguez disclose the consumer electronics device of claim 23; moreover, Thomas discloses receiving a second viewer indicator indicative of a second viewer present in the viewing area (See claim 19 of the reference also exhibited on fig 3);

comparing the second viewer indicator with the viewer specifications to identify a second viewing profile associated with a second one of the selected viewers present in the viewing area (a room scanner (200) that scans the room for users and output signal (211) to indicate the presence of a viewer, column 6 lines 52-53 also exhibited on fig 3);

selecting a second viewer specification corresponding to the second viewer indicator, wherein the second viewer specification comprising different content-based rating (viewing criteria (216) that specifies the material that each user has access to, column 9 lines 57-59 also exhibited on fig 2; a user recognition input device (208) that determines which users are present in a given area having access to the display (224), column 9 lines 51-53 also exhibited on fig 2; a memory (220) containing information that identifies a video content type being displayed on the display (224) and containing information about which users are to be permitted access to that content type, column 9 lines 54-57);

receiving a second content-based rating specification of the second viewer specification (Col. 2 lines 4-32 also exhibited on fig 2 and 3);

comparing the second content-based rating with the content-based program rating (a processor that compares a user identity value from the input device to the

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memory content specifying which users are to be permitted to access a determined content, column 2 lines 12-18);

and wherein the step of impairing the program signal includes impairing the program signal if the content-based program rating exceeds the content-based rating specification or the second content-based rating specification (if anyone outside the allowed set of persons is present the image and sound will be blocked, column 6 lines 60-63 also exhibited on fig 3).

However, it is noted that Thomas fails to explicitly disclose specifications corresponding to each of two or more time range specifications and selecting a time range specification from the two or more time range specifications of the second viewer specification corresponding to the reference time.

Nevertheless, in a similar field of endeavor Johnson discloses specifications corresponding to each of two or more time range specifications (Paragraph [0029] [0082] also exhibited on fig 6; weekday time ranges and weekend time ranges specific to a user);

selecting a time range specification from the two or more time range specifications of the second viewer specification corresponding to the reference time (Paragraph [0016] [0029] and [0082] also exhibited on fig 5 and 6; content is blocked or allowed based on the viewer's profile, which includes the times at which the viewer is allow to watch content and the type of content rating the viewer is allow to watch).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Thomas by specifically providing the elements

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mentioned above, as taught by Johnson, for the purpose of implementing a reliable and accurate parenting control scheme which allows children to watch safer and more appropriate content.

Regarding **claims 28 and 29**, Thomas, Johnson and Rodriguez disclose the limitations of claims 28 and 29; therefore, claims 28 and 29 are rejected for the same reasons as in claims 2 and 3, respectively.

Regarding **claim 30**, Thomas, Johnson and Rodriguez disclose the limitations of claim 30; therefore, claim 30 is rejected for the same reasons as in claims 7 and 8, respectively.

Regarding **claim 33**, Thomas, Johnson and Rodriguez disclose the limitations of claim 33; therefore, claim 33 is rejected for the same reasons as in claims 18 and 8, respectively.

Regarding **claim 34**, Thomas, Johnson and Rodriguez disclose the limitations of claim 34; therefore, claim 34 is rejected for the same reasons as in claim 19.

Regarding **claim 35**, Thomas, Johnson and Rodriguez disclose the limitations of claim 35; therefore, claim 35 is rejected for the same reasons as in claims 21 and 22, respectively.

Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thomas in view of Johnson in view of Rodriguez further in view of Gang-Sik Yoon (Korean Pub No 10-2000-0033070). Hereinafter, referenced as Yoon.

Regarding **claim 4**, Thomas, Johnson and Rodriguez disclose the consumer electronics device of claim 3; however, it is noted that Thomas, Johnson and Rodriguez fail to explicitly disclose the step of storing images of selected individuals.

Nevertheless, in a similar field of endeavor Yoon discloses the step of storing images of selected individuals (a face image acquisition part (60) acquires the face image of each member within the viewing group, paragraph 22 also exhibited on fig 1).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Thomas and Johnson by specifically providing the elements mentioned above, as taught by Yoon, for the purpose of storing an image from each user for future reference and recognition.

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Regarding **claim 5**, Thomas, Johnson and Rodriguez disclose the consumer electronics device of claim 4; however, it is noted that Thomas, Johnson and Rodriguez fail to explicitly disclose the step of photographing selected individuals.

Nevertheless, in a similar field of endeavor Yoon discloses the step of photographing selected individuals (the recognition part (100) takes an image of the current viewer, paragraphs 23 also exhibited on fig 2).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Thomas and Johnson by specifically providing the elements mentioned above, as taught by Yoon, for the purpose of acquiring an image of the current user in order to recognize the identity of such, which in consequence will determine what programs that specific viewer is allowed to watch.

(10) Response to Argument

Appellant's arguments filed 03/22/2011 have been fully considered but they are not persuasive.

- **With respect to claims 1 and 23, the appellant argues that the disclosure of Rodriguez would not be combined by one of ordinary skill in the art with either Thomas or Johnson because this would alter the principle of operation of Thomas and Johnson and would make Thomas unsatisfactory for its intended purpose, See arguments page 11 first paragraph, page 15 lines 2-5.**

Regarding claims 1 and 23, the appellant suggests that the examiner has used improper hindsight to support the obviousness rejection as the prior art does not support the combination of the cited references, page 15 second paragraph. The appellant claims that the non-viewer based method of Rodriguez would render the method of Thomas unsatisfactory for its intended purpose, and therefore there are no suggestions or motivation to make the modification proposed and relied upon by the examiner, page 15 lines 2-4.

However, the examiner respectfully disagrees with the appellant. The Thomas reference contemplates the use of a room scanner 200 that scans a room for users in a room area 301 and outputs a signal 211 to indicate the presence of the identified viewers in the area 301, col. 6 lines 52-53 figure 3. Further implementing a

viewing criteria 216 that specify the material that each user is allowed to have access to based on the user identity value (col. 5 lines 55-67), where command processor 214 determines and makes a decision as to whether the present viewer is allowed to view the content being presented on the television display 224, see col. 9 lines 51-57 of Thomas.

On the other hand, Johnson discloses that each identified user may include a detailed user profile, implemented for parental control purposes, see abstract and figure 6. Furthermore, Johnson discloses that a user profile may also include a plurality of time ranges, i.e. weekend viewing hours, and content based specifications, i.e. rating limits, as parental control boundaries for each user profile, see paragraphs [0016] [0029] [0082] and figure 6.

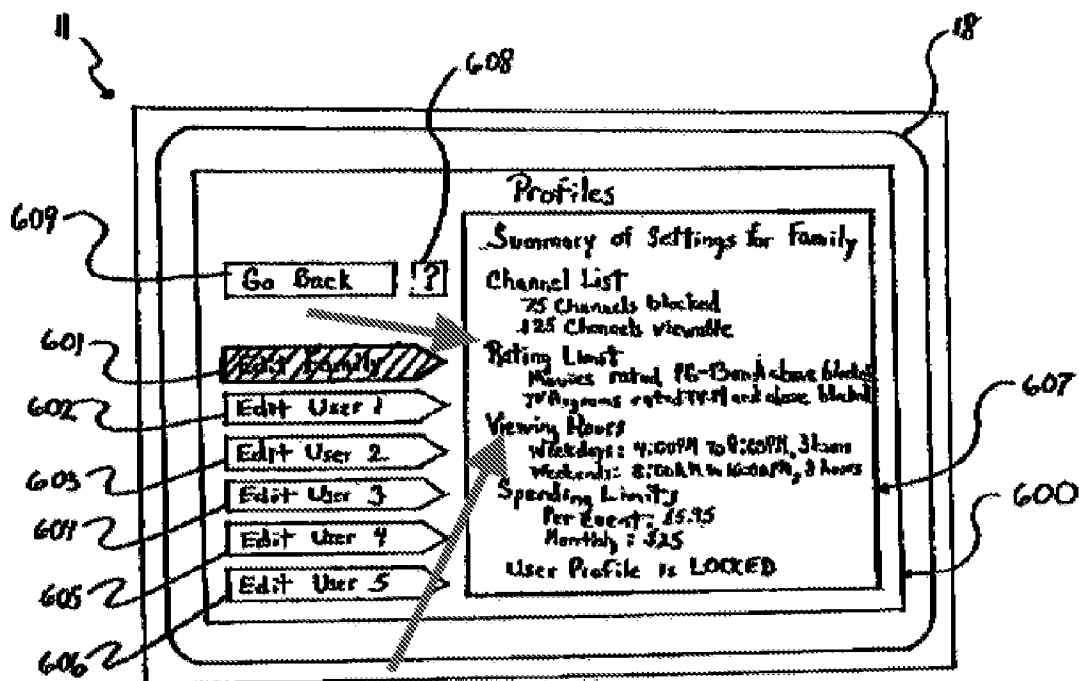
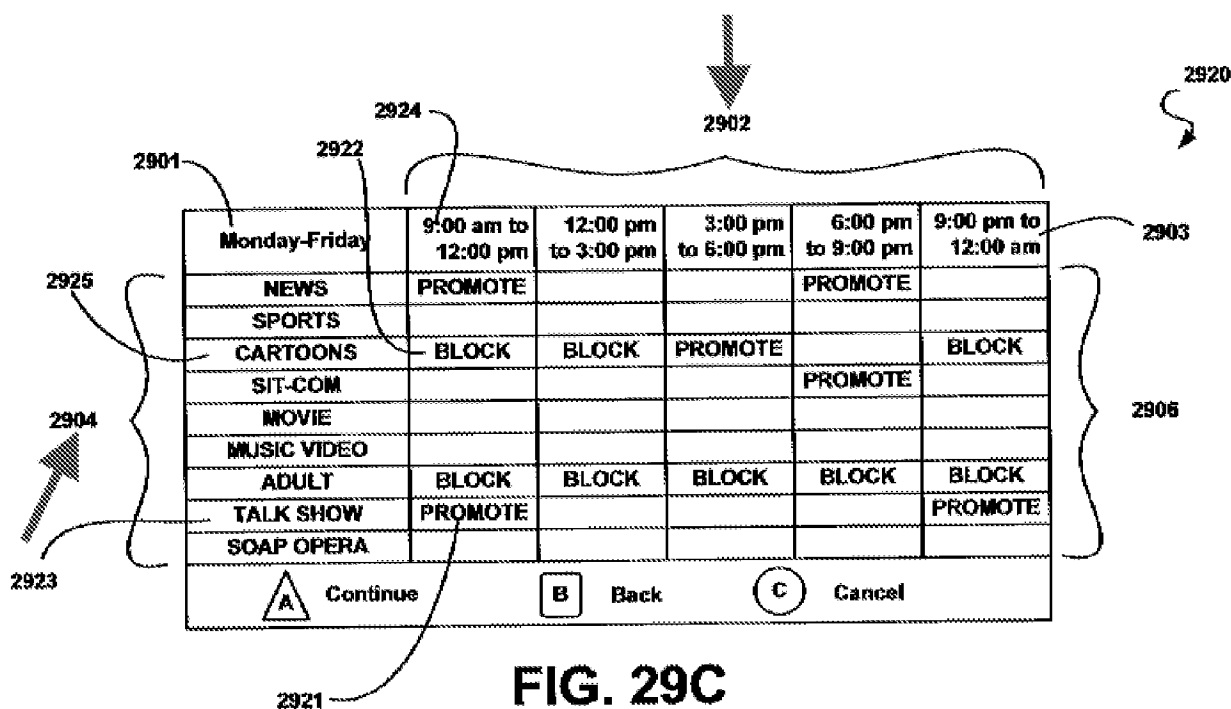


Figure 6

Furthermore, the examiner would like to point out that the Rodriguez reference not only teaches a method for blocking specified programming during certain times, as stated by the appellant in page 12 second paragraph, but also discloses that content based programming 2904, i.e. content based specification, may be blocked for each specified particular time range 2902, as disclosed in paragraphs [0124] [0116] figure 29C:



Hence, Rodriguez clearly teaches that a time range specification 2902 may correspond individually to a separate content-based specification 2904 as claimed in claims 1 and 23, see paragraphs [0124] [0116] of Rodriguez.

Moreover, the appellant states that Rodriguez does not discuss or suggest the use of viewing profiles, and that the program is either blocked or not blocked based on time without any reference to a viewer or parameter set for individual viewers as

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is required by the claims, see page 14 first paragraph. However, the examiner reiterates that each time range specification 2902 is indeed tied to an individual content based specification parameter 2904. In addition, Rodriguez does indeed teach the implementation of a plurality of viewer profiles, by implementing an access identification scheme, e.g. PIN, in order to determine whether to allow access to a blocked content, paragraphs [0115] [0118]. Hence, Rodriguez contemplates a plurality of distinct groups: users who do not have a valid authorization access number, and users who possess their respective valid personal identification number. Furthermore, Rodriguez discloses that authorized users may be identified and distinguished from one another via the entry of a valid password, via speech recognition or fingerprint recognition, see paragraph [0015] lines 13-15. Therefore, the teachings of Rodriguez are not in contracts with the teachings of Thomas and Johnson, since the blocking scheme of Rodriguez is indeed based on identified users characterized by their respective personal identification number, i.e. PIN.

The examiner notes that the teaching of Thomas and Johnson do not discourage or preclude the implementation of the teachings of Rodriguez. One of ordinary skill in the art would have recognized that the core principles of Thomas and Johnson could be modified by the teaching of Rodriguez with reasonable expectations of success. In response to appellant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was

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within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the appellant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971). Thomas, Johnson and Rodriguez pursue similar objectives (i.e. parental control) in a analogous field of endeavor, where a person of ordinary skill in the art would recognize that their combination would produce the predictable result of allowing a parent to configure a television system to block objectionable content material while children are awake and allow a more content when only adults are around, hence the implementation of independent ratings parameters 2904 for different time range specifications 2902. Therefore, the combination of Thomas, Johnson and Rodriguez as described by the examiner on the last office action is proper.

- **With respect to dependent claims 2-14, 16, 18-22, 24-30 and 33-35, the appellant argues that they are patentable for the same reasons discussed for claims 1 and 23, see page 15 last paragraph.**

The examiner would like to point to the response to arguments regarding independent claims 1 and 23. Claims 2-14, 16, 18-22, 24-30 and 33-35 depend from independent claims 1 and 23.

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(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Junior O Mendoza/
Examiner, Art Unit 2423

Conferees:

/Andrew Y Koenig/
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